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Attorneys for Plaintiff

Antonio Lopez, Johanna Lopez, & S.L. by and through his guardian ad litem

Rocio Flores

**UNITED STATE DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ANTONIO LOPEZ, individually;  
JOHANNA LOPEZ, individually;  
M.R., by and through his guardian ad  
litem, April Rodriguez, individually  
and as successor in interest to  
Brandon Lopez; B.L. and J.L., by and  
through their guardian ad litem  
Rachel Perez, individually and as  
successors in interest to Brandon  
Lopez; S.L., by and through his  
guardian ad litem, Rocio Flores,  
individually and as successor in  
interest to Brandon Lopez,,

Plaintiff,

vs.

Case No.: 8:22-cv-01351-JVS-ADS

*(Honorable James V. Selna; Magistrate  
Judge Autumn D. Spaeth)*

**DECLARATION OF LENA P.  
ANDREWS IN SUPPORT OF  
PLAINTIFFS' MOTION TO STRIKE  
PREVIOUSLY UNDISCLOSED  
EXHIBITS SUBMITTED IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT PURSUANT TO**

Case No. 2:22-cv-07651-JLS-KS

**DECLARATION OF LENA P. ANDREWS IN SUPPORT OF PLAINTIFFS' MOTION TO STRIKE  
PREVIOUSLY UNDISCLOSED EXHIBITS SUBMITTED IN SUPPORT OF DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 37;  
REQUEST FOR NON-MONETARY SANCTIONS AGAINST ALL DEFENDANTS**

CITY OF ANAHEIM, a municipal corporation; CITY OF SANTA ANA, a municipal corporation; DAVID VALENTIN, individually and in his official capacity as the Chief of Police for the CITY OF SANTA ANA Police Department; JORGE CISNEROS, individually and in his official capacity as the Chief of Police for the CITY OF ANAHEIM Police Department; PAUL DELGADO, individually and in his official capacity as an officer for the CITY OF ANAHEIM Police Department; BRETT HEITMAN; KENNETH WEBER, individually and in his official capacity as an officer for the CITY OF ANAHEIM Police Department; BRETT HEITMAN; CAITLIN PANOV, individually and in her official capacity as an officer for the CITY OF ANAHEIM Police Department; BRETT HEITMAN, individually and in his official capacity as an officer for the CITY OF ANAHEIM Police Department; BRETT HEITMAN; DOES 1-10, individually and in their official capacity as law enforcement officers for the CITY OF ANAHEIM Police Department and CITY OF SANTA ANA Police Department,,

Defendants.

**FEDERAL RULE OF CIVIL  
PROCEDURE 37; REQUEST FOR  
NON-MONETARY SANCTIONS  
AGAINST ALL DEFENDANTS**

Hearing Date: August 26, 2024

Hearing Time: 1:30 p.m.

Courtroom: 10C

MSJ Hearing: August 12, 2024

FPTC: September 9, 2024

Trial: September 17, 2024

I, Lena Andrews, declare:

1. I am an attorney who is licensed to practice law in California and before this Court. I represent the Plaintiff in the above captioned matter and I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

2. In October of 2022, prior to both Burris, Nisenbaum, Curry & Lacy and Lewis Brisbois entering their appearance in the litigation, the parties propounded their initial disclosure Statements. Defendant City of Anaheim's Initial Disclosures, propounded by the Anaheim City Attorney's Office, identified 22 separate interviews, including interviews of the Defendant Officers, percipient Santa Ana and Anaheim law enforcement witnesses, and civilian witnesses.

3. No documents were produced with the initial disclosure statement.

4. Discovery closed on June 7, 2024, with Defendants never having produced any of the interviews described in the City's initial disclosure statement.

5. This was the first time any of these documents had been disclosed to Plaintiff as they were never produced during discovery despite them being directly responsive to several of Plaintiff's Request for Production of Documents and likely to lead to the discovery of admissible evidence.

6. On July 19, 2024, the parties met and conferred telephonically regarding Plaintiff's anticipated Motion to Strike after exchanging their written positions on the motion. The parties could not come to an agreement.

7. Attached hereto as "**Exhibit A**" is a true and correct copy of Defendant City of Anaheim's Initial Disclosure Statement.

8. Attached hereto as "**Exhibit B**" is a true and correct copy of Plaintiff Antonio Lopez's Request for Production of Documents to Defendant City of Anaheim, Set One.

9. Attached hereto as "**Exhibit C**" is a true and correct copy of the City of Anaheim's Responses to Plaintiff Antonio Lopez's Request for Production of Documents to Defendant City of Anaheim, Set One.

10. Attached hereto as "**Exhibit D**" is a true and correct copy of Defendant City of Anaheim's Supplemental Disclosure Pursuant to Federal Rule of Civil Procedure 26(A)(1).

1 11. Attached hereto as “**Exhibit E**” is a true and correct copy of  
2 Correspondence from Abigail McLaughlin, dated July 18, 2024.

3  
4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on July 26, 2024, at Beverly Hills, California.

6  
7 By: /s/ Lena Andrews

8 Lena Andrews

9 Attorney for Plaintiff,

10 Ymelda Elena, Mario Elena, & I.J.

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